

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KITCHEN WINNERS NY INC.,

*Plaintiff,*

-against-

ROCK FINTEK LLC,

*Defendant,*

Civil Action No.: 22-cv-05276-PAE

ROCK FINTEK LLC,

*Counterclaim and  
Third-Party Plaintiff,*

-against-

KITCHEN WINNERS NY INC,

*Counterclaim  
Defendant,*

and

ADORAMA INC., HERSHEY WEINER,  
JOSEPH MENDLOWITZ, JNS CAPITAL  
HOLDINGS LLC and JOEL STERN,

*Third-Party  
Defendants.*

**NOTICE OF MOTION TO DISMISS**

**PLEASE TAKE NOTICE** that, upon the Declaration of Alexander J. Sperber dated July 15, 2022, and the exhibits annexed thereto; and upon the accompanying memorandum of law; and upon all the pleadings and prior proceedings had herein, Plaintiff/Counterclaim Defendant Kitchen Winners NY Inc. (“Kitchen Winners”) and Third-Party Defendants Adorama Inc.

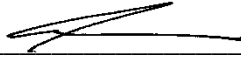
(“Adorama”), Hershey Weiner (“Weiner”), and Joseph Mendlowitz (“Mendlowitz”; collectively “Defendants”) will move this Court, before the Honorable Paul A. Engelmayer, at the United States District Court, Southern District of New York, 40 Foley Square, Courtroom 1305, New York, NY 10007, for an order:

- (a) Dismissing Defendant/Counterclaim and Third-Party Plaintiff Rock Fintek LLC’s (“Rock Fintek”) Counterclaim and Third-Party Complaint against the Defendants with prejudice; and
- (b) Granting as such other and further relief as the Court deems just and proper.

Dated: Kew Gardens, New York  
July 15, 2022

**LIPSIUS-BENHAIM LAW, LLP**  
*Attorneys for Plaintiff/Counterclaim  
Defendant Kitchen Winners NY Inc. and  
Third-Party Defendants Adorama Inc.,  
Hershey Weiner, and Joseph Mendlowitz*

By: \_\_\_\_\_

  
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